

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Crl.MC.No. 3076 of 2007()

[CRIME NO.283/2007 OF MAVELIKKARA POLICE STATION]

PETITIONER:

B.R.ANIL KUMAR, AGED 35,
S/O.P.R.RAMACHANDRAN PILLAI,
13/923 A, POCKANASSERY PARAMBU
R.K.PILLA ROAD, THOPPUMPADY,
KOCHI AND WORKING AS BRANCH MANAGER,
INDUSIND BANK, ALAPPUZHA BRANCH

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SRI.E.M.MURUGAN

RESPONDENTS:

1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
SUB INSPECTOR OF POLICE,
MAVELIKKARA POLICE STATION,
2. SIVADASAN, AGED
S/O.NANU, DIVYA DAS BHAVANAM,
ARNOOTTIMANGALAM MURI,
VETTIYAR VILLAGE.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3076 of 2007

Dated this the 5th day of October 2007

O R D E R

The petitioner faces allegations in a crime registered for an offence punishable under Section 379 read with 34 I.P.C. The crux of the allegations is that a vehicle had been taken away from the possession of the de facto complainant. The petitioner claims to be the financier and the alleged seizure had been resorted to in exercise of the contractual stipulation in the agreement between the parties. Investigation is in progress. The petitioner has already been granted anticipatory bail. It is prayed that the powers under Section 482 Cr.P.C may be invoked to quash the F.I.R.

2. Quashing of an F.I.R is certainly possible and permissible by invocation of the powers under Section 482 Cr.P.C. But such invocation need not be resorted to as a matter of course, under all circumstances. According to me, no failure of justice takes place in this case. The petitioner has already been granted anticipatory bail. I am of the opinion that the interests of justice do not at all warrant invocation of powers

under Section 482 Cr.P.C to bring to premature termination the investigation which has already commenced. Invocation of such powers at the instance of the petitioner who has been granted anticipatory bail and whose interests are adequately protected need not be done at all.

3. This Criminal Miscellaneous Case is in these circumstances dismissed. The investigating officer, I do observe, must complete the investigation, as expeditiously as possible. It is made clear that the dismissal of this petition will not in any way fetter the rights of the petitioner to challenge the final report, if any, filed against the interests of the petitioner.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007